

REMARKS

On March 29, 2004, Applicants filed an Amendment Under 37 C.F.R. §1.116 in which they canceled claims 14, 16-30, 32, 34, and 35 without prejudice to future presentation and made appropriate amendments to claims 1, 15, 43, 44, and 45 to remove reference to subject matter that had been withdrawn from consideration. In the Amendment, Applicants further amended claims 1, 44, and 45 to recite that the double bond in Formula A is at a distance from O which does not appear in a naturally-occurring corresponding radical. In an Advisory Action mailed April 9, 2004, the Examiner indicated that the March 29, 2004 Amendment would not be entered, because, in the Examiner's opinion, it would raise new issues requiring further search or consideration and would introduce new matter not supported by the specification. The Examiner specifically pointed to the introduction of the language into claims 1, 44, and 45, concerning the position of the double bond in Formula A. The Examiner asserted that the specification does not support such an amendment because, in her view, the language as used in the specification is directed to the R₁ and R₂ substituents, which occur only in formulas that have been restricted out of the elected invention.

Applicants respectfully disagree with the Examiner's reading of the specification. The specification does in fact support the proposed claim language, even when R₁ and R₂ are absent, as in the currently elected claims. We note, for example, the compounds encompassed by the formula described at page 6, line 12 to page 8, line 3. This formula specifically includes compounds in which A is a radical of the formula VIII, which compounds do not, by definition, include R₁ or R₂ (see page 8, line 3). The next succeeding paragraph refers to structural elements of "the substances described herein," with preference to monounsaturated radicals having the double bond in a non-natural position. Therefore, the specification does not support the Examiner's interpretation that the language concerning the position of the double bond is limited to the R₁ and R₂ substituents. To the contrary, the specification does in fact support claims directed to compounds in which the double bond in the currently recited formula A, in which R₁ and R₂ are absent, is in a non-naturally occurring location. Therefore, contrary to the Examiner's position, Applicants' March 29, 2004 Amendment does not raise new issues that would require further search or consideration and specifically does not introduce any new matter. Applicants further note that the issue of the non-

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natural position of the double bond was specifically placed before the Examiner in Applicants' June 12, 2002 Response to Restriction Requirement (see, e.g., page 2), thus lending further support to Applicants' position that it was clearly not being raised anew in the March 29, 2004 Amendment.

Because the Examiner's refusal to enter the March 29, 2004 Amendment was based on an incorrect reading of the specification, Applicants now respectfully request that the Examiner reconsider and withdraw this refusal and proceed to enter and consider the March 29, 2004 Amendment. It is the Applicants' position that upon entry of the Amendment, the present application will be in condition for allowance. The Examiner is invited to telephone the undersigned if it is deemed to expedite such allowance.

Respectfully submitted,



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